



STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

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August 2, 2006

Re: 7 CFR Part 205 Docket Number TM-06-04 Proposed Amendment to the National List of Allowed and Prohibited Substances (Crops and Livestock) - Chitosan

To Whom It May Concern:

The Washington State Department of Agriculture (WSDA) understands there is a need for the use of chitosan (poly-D glucosamine) as a tool to manage diseases in organic crops grown in our state when preventative measures are insufficient. We agree that chitosan should be considered approved for use as a List 4 inert ingredient under 205.601(m)(1). This interpretation will allow for the use of chitosan as an inert ingredient when it is a component of a final product, e.g. listed as an inert ingredient in a Brand Name material and functions as an adjuvant. However, according to Dr. Hadwiger, WSU, product stability and effectiveness may be an issue if chitosan is manufactured as a pre-mix with another fungicide (e.g. copper sulfate).

We understand that Dr. Hadwiger has only evaluated the use of chitosan when mixed in the field with another substance approved for organic production. Therefore, the NOP proposal to not specifically add chitosan to the National List may pose challenges for some organic operators in Washington State because spray adjuvants are regulated as a "pesticide" by WSDA ("Pesticide" means, but is not limited to: (c) Any spray adjuvant). WSDA labeling requirements for spray adjuvants (WAC 16-228-1400(3)) are found in the General Pesticide Rules (<http://agr.wa.gov/PestFert/Pesticides/docs/GenRulesWFrms.doc>).

The NOP proposal does not explicitly allow the use of synthetic adjuvants, such as chitosan, that are sold as individual products and intended to be mixed and used with other approved materials by an operator. WSDA considers one of the uses of chitosan, when marketed alone as an adjuvant, to be a principle functioning agent and not an "inert" of the resulting spray mixture. In this situation, the use of chitosan may not comply with 205.601(m)(1). For example, if a farmer purchases an adjuvant product with chitosan listed as the principle functioning agent, and mixes it with another product (e.g. fungicide material on Brand Name List), then the on-farm mixing of the two products would be considered the mixing of an active ingredient (e.g. copper sulfate - fungicide) with a principle functioning agent (adjuvant). In this example, chitosan is not an "inert" and therefore not allowed under 205.601(m)(1).

If the NOP wishes to permit the use of substances on List 4 as adjuvants for use with pesticides consistently in every state, WSDA suggests that the NOP rule needs to state that explicitly. The NOP should propose amending the National List to read as follows:

205.601(m) As adjuvants or synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitation on the use of such substances. . .



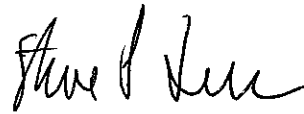
Adding a reference for approved adjuvants would ensure regulatory compliance with certified operators and explicitly list what adjuvants are approved.

If you have further questions regarding our comments, please do not hesitate to contact Katherine Withey in the Organic Food Program at (360) 902-1882, email kwithey@agr.wa.gov or Steve Foss, Biopesticide Specialist in the Pesticide Management Division at (360) 902-2049 or email sfoss@agr.wa.gov.

Sincerely,



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